

On December 26, 2017, BLM received a Programmatic Biological Opinion (PBO) from the U.S. Fish and Wildlife Service addressing impacts to the four endangered big river fishes from water depletions associated with BLM's management of the fluid minerals program in western Colorado. The final PBO is attached.

The key aspects of the PBO are as follows:

Pages 9-10: Conservation Measures (water withdrawals from rivers): Note that energy companies can no longer extract water directly out of the Colorado River below the Price-Stubbs diversion (near Palisade, Colorado) downstream to the Utah state line. The PBO also includes specific instructions for where, when, and how to pump water directly from any of the major rivers where the endangered fish may reside. Oil and gas specialists in affected field offices should work with the Northwest District Fisheries Biologist (Tom Fresques) to ensure that their water delivery operators are aware of the pumping protocols.

Page 10: Conservation Measures (Recovery Agreements): All energy companies that are operating in the Colorado, Yampa, and Gunnison River sub-basins need to have a signed Recovery Agreement on file with the COSO in order to use BLM's PBO for compliance with the Endangered Species Act. Recovery Agreements simply state that the water users (in this case, energy companies) will not interfere with the implementation of recovery actions for the endangered fish. A list of energy companies that have a current signed Recovery Agreement on file is attached. If you are working with a company that is not on the list, we need to get a signed Recovery Agreement in place by the April 30 reporting deadline.

Pages 55-56: Water Quantities & Affected Flows: Includes a comparison of water depleted by federal fluid minerals development versus other consumptive uses. For example, in the Colorado River above Palisade, it is estimated that water depletions from federal fluid minerals development equates to 0.16% of all consumptive uses in the sub-basin.

Page 69: Monitoring and Reporting: Requires BLM to provide FWS with a report (depletion log) by April 30 that tallies the fresh water used in BLM's management of federal fluid minerals program during the previous calendar year. The log will report fresh water use by river sub-basin (Colorado, Green, Yampa, White, Gunnison, Dolores). Information for the depletion log will be derived from a Condition of Approval attached to all federal APDs (requiring operators to report both fresh and recycled water use) and confirmed using data collected from operators by the Colorado Oil and Gas Conservation Commission (COGCC). Field Offices will not be required to track water depletions associated with fluid minerals.

Page 69: Conservation Recommendations: During drought conditions (not specifically defined, but typically in late summer during dry years), FWS is asking BLM to work with our energy operators to use treated or produced water, instead of fresh water, for fracking/well completions. Note that this is a "recommendation", not a "requirement" (Conservation Measures (pages 9-10), are requirements).